

Fact Sheet and Executive Director's Preliminary Decision
TPDES General Permit No. TXG500000

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXG500000 to authorize the discharges from quarries in the John Graves Scenic Riverway into surface water in the state.

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Permit Action: Reissuance of General Permit TXG500000

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I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing the renewal with amendments of TPDES general permit TXG500000 authorizing discharges of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges from quarries located greater than one mile from a water body within a water quality protection area in the John Graves Scenic Riverway. This area is that portion of the Brazos River Basin, and its contributing watershed, located downstream of the Morris Shepard Dam on the Possum Kingdom Reservoir in Palo Pinto County and extending to the county line between Parker and Hood Counties. This general permit has been developed to comply with Texas Water Code (TWC) Chapter 26, Subchapter M and 30 Texas Administrative Code (TAC) Chapter 311, Subchapter H resulting from passage of Senate Bill (SB) 1354 of the 79th Legislative Session. Specifically, TWC §26.553(b) requires quarries greater than one mile from a water body in a water quality protection zone to obtain a general permit authorization.

II. Executive Director's Recommendation

The executive director has made a preliminary decision that this general permit, if issued, meets all statutory and regulatory requirements. It is proposed that the general permit be issued to expire five years from the effective date in accordance with the requirements of 30 TAC §205.5(a).

III. Permit Applicability

A. Discharges Authorized by TXG500000

This general permit authorizes the discharge of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges from quarries located greater than one mile from a water body within a water quality protection area in the John Graves Scenic Riverway. The permit specifies the facilities that may be authorized under this general permit and those that must be authorized by individual permit.

B. This general permit does not apply to:

1. A quarry located outside the water quality protection area within the John Graves Scenic Riverway.
2. A quarry located within one mile from a water body within a water quality protection area in the John Graves Scenic Riverway. Quarries within one mile of a water body are required to obtain an individual TPDES permit.
3. A quarry or associated processing plant located greater than one mile from a water body within a water quality protection area that mines clay and shale for use in manufacturing structural clay products; or since on or before January 1, 1994, has been in regular operation without cessation of operation for more than 30 consecutive days and under the same ownership.
4. The construction or operation of a municipal solid waste facility, regardless of whether the facility includes a pit or quarry that is associated with past quarrying.

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5. Return flows from mining operations authorized by the US Army Corps of Engineers under 33 CFR §323.2(d)(1)(iii).
6. Discharges that are regulated by the Railroad Commission of Texas.

C. The following discharges are not eligible for general permit coverage:

1. Discharges of the constituent(s) of concern to impaired water bodies for which there is a total maximum daily load (TMDL) implementation plan (I-Plan) are not eligible for this permit unless they are consistent with the approved TMDL and TMDL I-Plan. The executive director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual or other applicable general permit prior to discharging.
2. Discharges that do not maintain existing uses of receiving waters, as determined by the executive director.
3. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.
4. Sites that are classified as unsatisfactory performers as required under 30 TAC §60.3(a)(3)(A)(i).

IV. Permit Effluent Limitations

A. Discharged Effluent Limits

Effluent discharged under the authority of this general permit must meet the following effluent limitations:

Table 1 - Effluent Limits

<i>Parameter</i>	<i>Daily Average Limitations</i>	<i>Daily Maximum Limitations</i>	<i>Sample Type</i>	<i>Monitoring Frequency</i>
Flow	Report MGD ³	N/A	Estimate	One/day
Total Suspended Solids	45 mg/L ⁴	NA	Grab	One/day ^{1, 2}
pH	6.0-9.0 su	N/A	Grab	One/day ^{1, 2}
Arsenic, Total	0.1 mg/L	0.3 mg/L	Grab	One/year ¹
Barium, Total	1.0 mg/L	4.0 mg/L	Grab	One/year ¹
Cadmium, Total	0.05 mg/L	0.15 mg/L	Grab	One/year ¹
Chromium, Total	0.5 mg/L	5.0 mg/L	Grab	One/year ¹

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Copper, Total	0.04 mg/L	0.09 mg/L	Grab	One/year ¹
Lead, Total	0.35 mg/L	0.75 mg/L	Grab	One/year ¹
Manganese, Total	1.0 mg/L	3.0 mg/L	Grab	One/year ¹
Mercury, Total	0.002 mg/L	0.004 mg/L	Grab	One/year ¹
Nickel, Total	1.0 mg/L	3.0 mg/L	Grab	One/year ¹
Selenium, Total	0.02 mg/L	0.04 mg/L	Grab	One/year ¹
Silver, Total	0.03 mg/L	0.05 mg/L	Grab	One/year ¹
Zinc, Total	0.31 mg/L	0.66 mg/L	Grab	One/year ¹

1. When discharging.
2. Not applicable to discharges resulting from a rainfall event greater than the 25-year, 24-hour rainfall event. Monitoring is required when discharges result from a rainfall event greater than the 25-year, 24-hour event; however, compliance with effluent limitations is not required.
3. Million Gallons per Day (MGD)
4. Milligram per Liter (mg/L)

B. Best management practices (BMPs) and other non-numerical conditions/requirements

The following BMPs and other non-numerical conditions/requirements are included in the general permit:

1. Quarries authorized under this general permit must develop a pollution prevention plan (P3) that covers the entire quarry. The P3 is required to be submitted along with the Notice of Intent (NOI) for review and approval. Minimum contents of the P3 include establishing a pollution prevention team with associated training, a description of potential pollutant sources, a description of management controls to regulate pollutants in discharges (including good housekeeping measures, preventative measures, and spill prevention and response procedures), erosion and sediment controls (including structural controls, stabilization practices, permanent stormwater controls, other controls, and maintenance), and inspections and compliance evaluations.
2. Specifically, under the requirements of the P3, runoff control berms are required to be constructed to direct runoff from quarrying activities into sedimentation ponds prior to discharge.
3. Specifically, under the requirements of the P3, a sedimentation pond(s) is required to be constructed upgradient of each discharge point/outfall to allow for retention of the sediment at the quarry. A sedimentation pond(s) must be designed to retain the 25-year, 24-hour storm event.
4. Quarries authorized under this general permit must submit a restoration plan with the NOI. Minimum requirements of the restoration plan include identifying receiving waters at risk of unauthorized discharges, documenting background conditions of receiving waters, identifying potential environmental impacts to receiving waters from

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unauthorized discharges, identifying goals and objectives of potential restoration actions, identifying a range of restoration alternatives, monitoring of the effectiveness of restoration activities, identifying a process for public involvement in restoration activities, and providing cost estimates for restoration.

5. Quarries authorized under this general permit must submit proof of financial assurance for restoration with the NOI and maintain proof of financial assurance for restoration until the quarry operation is terminated and the site is restored according to the restoration plan.
6. Quarries authorized under this general permit must submit a final stabilization report with the notice of termination (NOT) when quarrying activities are completed.

V. Changes from Existing General Permit

1. Minor Changes

Dates, grammar, capitalization, and modification of acronyms in the Table of Contents, definitions, and in the body of the permit.

2. Part I Definitions

- Added the definitions for “Control Measure,” “Discharge,” “Infeasible,” “Minimize”, and “Responsible Party.”
- Revised definitions for “Impaired Water” to be consistent with stormwater Multi-Sector General Permit (MSGP) and Construction General Permit (CGP); and “Water Quality Protection Area” to be consistent with Texas Water Code, Section 26.551.

3. Added item (6.) to Part III Section B. Aggregate Production Operations (APO) Registration Requirements

30 TAC Chapter 342, §342.25 requires the responsible party (owners, operators, lessors, or lessees) who are primarily responsible for overall function and operation of a quarry, sand pit, gravel pit, or other aggregate production operation must register their APO with TCEQ's water quality program.

4. Updated Part III Section C. Deadlines for Obtaining Authorization to include the Core Data Form as part of the application documents

1. Existing Quarries

Operators of existing quarries authorized under TPDES John Graves Scenic Riverway General Permit TXG500000 (**April 7, 2014**), must submit a NOI and a **Core Data Form (104000)** to renew authorization or a NOT **and a Stabilization Report as required by Part VIII Section A** of this general permit to terminate coverage under the previous general permit within **90 days** of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the

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operator must continue to meet the conditions and requirements of the previous general permit.

2. New Quarries

Owners of new quarries shall submit a NOI and the **Core Data Form (104000)**, Restoration Plan, Proof of Financial Assurance for Restoration, and the Pollution Prevention Plan (P3) and receive confirmation of coverage and an authorization number under this general permit prior to commencement of any on-site activities (including construction activities)

5. Updated the first paragraph language in Part III, Section B.3 to be consistent with the revised definition of impaired waterbodies:

New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305, **Consolidated Permits**, and applicable state law. **Impaired waters are those that do not meet applicable water quality standard(s) and are listed as category 4 or 5 in the current version of the Texas Integrated Report of Surface Water Quality, and waterbodies listed on the Clean Water Act (CWA) § 303(d) list. Pollutants of concern are those pollutants for which the waterbody is listed as impaired**

6. Added (ii) to Part III Section D.1 (a):

- ii. a completed Core Data Form (104000) approved by the executive director

7. Added (c) to Part III, Section D.3:

(c) The NOC must be submitted to the TCEQ Water Quality Division, at the address below:

By Regular Mail:	By Overnight /Express Mail
Texas Commission on Environmental Quality	Texas Commission on Environmental Quality
Applications Review and Processing Team (MC-148)	Applications Review and Processing Team (MC-128)
P.O. Box 13087	12100 Park 35 Circle
Austin, Texas 78711-3087	Austin, Texas 78753

8. Revised Part III, Section D.4 to read as follows:

4. Signatory Requirements for NOI form, NOC, and NOT

NOI **form**, NOC, and NOT must be signed and certified consistent with 30 TAC §305.44(a) and (b) (relating to Signatories to Applications).

9. Revised Part III, Section E (2.) and (4.) to read as follows:

- 2. The NOT and Stabilization Report must be submitted to the TCEQ Water Quality Division, at the address **below**:

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By Regular Mail:

Texas Commission on Environmental
Quality
Applications Review and Processing
Team (MC-148)
P.O. Box 13087
Austin, Texas 78711-3087

By Overnight /Express Mail:

Texas Commission on Environmental
Quality
Applications Review and Processing
Team (MC-148)
12100 Park 35 Circle
Austin, Texas 78753

4. The permittee shall continue to meet the requirements of this general permit until authorization under the general permit is terminated.

Financial assurance for restoration must be maintained until the executive director provides notification acknowledging the **NOT and Stabilization Report**.

10. Updated language in Part III, Section G.1 to be consistent with 30 TAC §205.3:

1. This general permit is effective for five years from the effective date. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. **After notice and comment as provided by §205.3 of this title (relating to Public Notice, Public Meetings, and Public Comment)**, this general permit may be amended, revoked, or canceled by the commission or renewed by the commission for an additional term or terms not to exceed five years.

11. Updated language in Part III, Section G.3 to read as follows:

3. Upon issuance of the renewed or amended general permit, all permittees, including those covered under the expired general permit, will be required to submit an NOI **and other required documents** according to the requirements of the new general permit or to obtain an individual permit for those discharges.

12. Added (c) to Part IX, Section B.10:

(c) The permittee must control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;

13. Added an E-reporting requirement to Part X, Section G:

8. E-Reporting Requirement

Analytical results for determining compliance with effluent limitations must be submitted online using the NetDMR reporting system available through the TCEQ website, unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to the TCEQ Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1).

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14. Revised Part XI, Section B:

Facilities having an active authorization on September 1 of each year (have not submitted an **NOT and Stabilization Report** prior to this date) will be billed \$800 for the following fiscal year.

15. Added 9. to Part X, Section G:

9. Applicants seeking authorization under this general permit and permittees that are authorized under this general permit are issued a waiver from the electronic reporting requirements of 40 CFR Part 127. Therefore, applicants and permittees may continue to submit an NOI form, NOT, and NOC to TCEQ in paper format. Permittees may submit DMR forms in paper format or online using the NetDMR reporting system available through the TCEQ website.

VI. Addresses

- A. Comments on this proposed general permit should be sent to:
Office of the Chief Clerk (MC-105)
TCEQ
P.O. Box 13087
Austin, TX 78711-3087
(512) 239-3300
- B. Questions concerning this general permit should be directed to:
TCEQ Stormwater & Pretreatment Team Leader
Wastewater Permitting Section (MC-148)
Water Quality Division
P.O. Box 13087 Austin, TX 78711-3087
(512) 239-4671
SWGP@tceq.texas.gov

VII. Legal Basis

- TWC, Subchapter M §26.551, Senate Bill 1354 was passed during the 79th Legislative Session in 2005 and Chapter 26 of the TWC was amended to include Subchapter M (Water Quality Protection Areas) effective June 17, 2005. The bill and water code revisions require quarries located < 1 mile from a water body to obtain an individual permit, and quarries located ≥ 1 mile of a water body to obtain a general permit.
- TWC, §26.121, which makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission;
- TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state; and
- TWC, §26.040, which provides the commission with authority to authorize waste discharges by general permit.

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VIII. Regulatory Background

The commission was given authority to issue general permits in place of authorizations by rule in TWC 26.040. 40 Code of Federal Regulations (CFR) §122.26(b)(14) and adopted by reference in 30 TAC §281.25, defines categories of industrial activities, including quarries that must obtain an NPDES authorization. Authorization to discharge stormwater associated with industrial activity was initially provided by EPA through issuance of the NPDES stormwater Multi-Sector General Permit (MSGP) in 1995. The TCEQ was provided authority to administer the NPDES program as the TPDES program on September 14, 1998 through a Memorandum of Agreement with EPA. TCEQ first reissued the MSGP as a TPDES general permit in 2001. Quarries are regulated under Sector J – Mineral Mining and Dressing. Senate Bill 1354 was passed during the 79th Legislative Session (2005) and TWC, Chapter 26 was amended to include Subchapter M (Water Quality Protection Areas) effective June 17, 2005. This section of the TWC requires quarries located greater than one mile from a water body to obtain general permit authorization and identifies specific requirements that are not included in TCEQ's MSGP. 30 TAC Chapter 311 Subchapter H was effective in 2006 and implements these revisions to the TWC. The MSGP now specifically directs quarries located in the John Graves Scenic Riverway to obtain alternative permit authorization, either authorization under this general permit or an individual TPDES permit.

IX. Permit Coverage

The purpose of this general permit is to regulate the surface discharges of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges into or adjacent to water in the state from quarries located greater than one mile from a water body within a water quality protection area in the John Graves Scenic Riverway.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI. This general permit also requires the submittal of technical documents for review and approval by the executive director, including a pollution prevention plan, proof of financial assurance, and a restoration plan.

- A. An existing quarry operating under the current general permit must submit a NOI within 90 days of issuance of this general permit to continue quarry activities. A new quarry must submit a NOI and obtain authorization prior to commencing quarry activities, including construction activities at the quarry location.
- B. Submission of a NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. Following review of the NOI, the executive director shall confirm coverage by providing a notification and an authorization number to the applicant, or notify the applicant that coverage under this general permit is denied. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) must provide a copy of the NOI to the operator of the MS4 at the same time a NOI is submitted to TCEQ.
- C. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit a NOI and any other required documentation. The NOT and NOI must be submitted not later than 10 days

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before the change. Permittees discharging to a MS4 must submit a copy of the NOT to the operator of the MS4 at the same time the NOT is submitted to TCEQ.

- D. If the owner or operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in a NOI, the correct information must be provided to the executive director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes (*e.g.*, telephone number or P.O. Box number) an NOC must be submitted within 14 days after the change. Permittees discharging to a MS4 must submit a copy of any NOC to the operator of the MS4 at the same time the NOC is submitted to TCEQ.

X. Technology-Based Requirements

The limitations and conditions of the general permit were developed to comply with the technology-based standards of the CWA. Except for the construction and development ELGs and new source performance standards (NSPS) in 40 CFR Part 450, to control the discharge of pollutants from construction sites, there are currently no nationally applicable effluent limitation guidelines in 40 CFR Chapter I, Subchapter N that identifies the best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT standards), that apply to [what? These quarries? Everyone?]. National effluent limitation guidelines at 40 CFR Part 436, Subpart B (Crushed Stone Subcategory), Subpart C (Construction Sand and Gravel Subcategory), and Subpart D (Industrial Sand Subcategory) were considered when establishing technology-based limitations in this general permit. Technology-based effluent limitations included in this general permit are based on BPJ and rules included at 30 TAC §311.79 and §319.22. The parameters selected for BCT/BAT limits are the primary pollutants of concern for discharges authorized in the general permit. The limitations for these parameters are: 45 mg/L total suspended solids and between 6.0 to 9.0 standard units pH as established at 30 TAC §311.79. Additionally, technology-based limitations are included for arsenic, barium, cadmium, chromium, lead, manganese, and nickel as established at 30 TAC §319.22. These effluent limitations are economically achievable based on inclusion in current state regulations.

The general permit also includes a requirement for construction operators to comply with the new federal construction and development ELGs outlined in 40 CFR §§450.21, 450.23, and 450.24. TCEQ adopted these guidelines by reference in 30 TAC §305.541. The BPT effluent limitations (40 CFR §450.21) and BCT effluent limitations (40 CFR §450.23) are narrative in nature and are achieved through the implementation of BMPs.

XI. Water Quality-Based Requirements

The Texas Surface Water Quality Standards at 30 TAC Chapter 307 state that “surface waters will not be toxic to man, or to terrestrial or aquatic life.” The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards*, RG-194 (June 2010) is designed to insure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater or stormwater that: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health.

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A review by the TCEQ's Water Quality Standards Team determined that the proposed technology-based and water quality-based effluent limits in the permit are protective of water quality. Water quality based effluent limits for copper, mercury, selenium, silver, and zinc, which are established in the general permit are more stringent than the technology-based limitations at 30 TAC §319.22.

The daily average and daily maximum effluent limitations for cadmium (daily max only), copper, mercury, selenium, silver, and zinc were developed based on protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs. Chronic aquatic life and human health evaluation was not required based on the restriction of this general permit only applying to discharges greater than one mile from a waterbody, *e.g.*, discharges may only occur to intermittent streams and discharges would likely only occur during and following significant rainfall events. Water quality-based effluent limitations were evaluated for protection of receiving water bodies in Segment Nos. 1205 and 1206 of the Brazos River Basin, the two segments that will potentially receive discharges authorized under this general permit.

Water quality based effluent limitations for these five metals are calculated in Appendix 1 of this fact sheet.

In order to achieve compliance with Texas Surface Water Quality Standards, permittees must meet the following narrative water quality requirements:

1. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
2. Concentration of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

The discharges authorized under this general permit are not typically continuous flowing discharges and the limitations for pollutants of concern in the permit should preclude toxicity instream.

There are no TMDLs in the permit watershed. Lake Granbury (Segment No. 1205) and Brazos River Below Possum Kingdom Lake (Segment No. 1206) are not currently listed on the State's inventory of impaired and threatened waters or the 2014 CWA Section 303 (d) list (approved by EPA on November 19, 2015).

XII. Monitoring

Monitoring is required by 40 CFR §122.44(i) for each pollutant limited in a permit to ensure compliance with the permit limits. The general permit has the following monitoring criteria:

- A. Permittee Responsibilities - The permittee must ensure that properly trained and authorized personnel monitor and sample the discharge.
- B. Sampling Location - The sampling point must be downstream of any treatment unit or

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treatment process

- C. Sample Collection - All samples must be collected according to the latest edition of Standard Methods for the Examination of Water and Wastewater (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), EPA's Methods for Chemical Analysis of Water and Wastes (1979), or EPA's Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents (1973).
- D. Sampling - Sample containers, holding times, preservation methods, and analytical methods must either follow the requirements in 40 CFR Part 136 or the Standard Methods for the Examination of Water and Wastewater.
- E. Analytical results for determining compliance with effluent limitations must be submitted online using the NetDMR reporting system available through the TCEQ website, unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver must submit analytical results to the TCEQ Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1) that is signed and certified as required by Part X.G.10 of the permit. The analytical results must be submitted to the TCEQ on a monthly basis. The self-report form for any given month is due by the 20th day of the following month for each discharge that is described by this permit, whether or not a discharge is made for the month. If noncompliance with a discharge limitation occurs, the permittee must provide notification according to Part IX.D.7 of the permit.
- F. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

XIII. Additional Permit Conditions

Additional permit conditions are included in this general permit for the purpose of water quality protection and compliance with enacted legislation and associated revisions to the TWC and TAC applicable to quarries in the John Graves Scenic Riverway.

A pollution prevention plan (P3) is required to be developed and implemented by permittees authorized under this general permit. The P3 is structured similar to the stormwater pollution prevention plan (SWP3) required in the MSGP and the Construction General Permit, however the conditions in this general permit are tailored specifically to quarry operations in the John Graves Scenic Riverway. Specific best management practices (BMPs) and structural controls are proposed as part of the P3 to address the prevention of unauthorized discharges and to retain sediment onsite. Runoff control berms are required to be installed around the entire perimeter of the active quarry to direct stormwater runoff into sedimentation pond(s). The sedimentation pond(s) must be sized to capture the resulting runoff from the 25-year 24-hour storm event. These requirements should ensure that all runoff containing sediment and other pollutants will be controlled and treated to remove sediment prior to controlled releases into receiving waters and will assist in discharges complying with the total suspended solids and other effluent limitations proposed in the general permit.

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The proposed general permit includes the requirement for permittees to develop a restoration plan that would be implemented should unauthorized discharges occur from the quarry that impact receiving waters. The restoration plan is required under TWC §26.553(f)(1) and 30 TAC § 311.76.

The proposed general permit includes the requirement for permittees to maintain proof of financial assurance for restoration. This is required in TWC §26.553(f)(2) and 30 TAC §311.81(a) and Chapter 37, Subchapter W.

A final stabilization report is required to be submitted with the notice of termination (NOT) for review and approval by the executive director. The purpose of the stabilization report is to ensure that the quarry location does not continue to be a source of pollution after quarrying activities have ceased and requires the permittee to maintain compliance with the conditions of the general permit until the plan is approved.

XIV. Procedures for Final Decision

The memorandum of agreement between the EPA and TCEQ provides that EPA has 90 days to comment, object, or make recommendations to the general permit before it is published in the *Texas Register*. According to 30 TAC Chapter 205, when the draft general permit is proposed, notice must be published, at a minimum, in a newspaper of general circulation. The commission may also publish notice in one or more additional newspapers of statewide or regional circulation. Mailed notice must also be provided to the following:

1. The county judge of the county or counties in which the discharges under the general permit could be located;
2. if applicable, state and federal agencies for which notice is required in 40 CFR §124.10(c);
3. persons on a relevant mailing list kept under 30 TAC §39.407, relating to Mailing Lists; and
4. any other person the executive director or chief clerk may elect to include.

After notice of the general permit is published in the *Texas Register* and the newspaper(s), the public will have 30 days to provide public comment on the proposed permit.

Any person, agency, or association may make a request for a public comment meeting on the proposed general permit to the executive director of the TCEQ before the end of the public comment period. A public comment meeting will be granted when the executive director or commission determines, on the basis of requests that a significant degree of public interest in the draft general permit exists. A public comment hearing is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act. The executive director may call and conduct public meetings in response to public comment.

If the executive director calls a public meeting, the commission will give a minimum of 30 days public notice in the *Texas Register* of the date, time, and place of the meeting, as required by commission rules. The public notice for the draft general permit and for the public meeting(s) may be combined. The public comment is automatically extended until the conclusion of all public meetings on the draft general permit. The executive director shall prepare a response to all significant public comments on the draft general permit raised during the public comment period. The proposed general permit will then be filed with the commission to consider final authorization of the permit. The executive director's response to public comment will be made

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available to the public and filed with the chief clerk at least ten days before the commission acts on the proposed general permit.

Once the draft permit and response to comment are completed, they are sent to the Office of the Chief Clerk of the TCEQ. The draft permit is set on a Commission's agenda for adoption. For additional information about this general permit, contact the Stormwater Team at (512) 239-4671.

XV. Administrative Record

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

A. 40 CFR Citations – Parts 122, 124, 136, 436, and 450.

B. TCEQ Rules:

30 TAC Chapter 311, Subchapter H – Regulation of Quarries in the John Graves Scenic Riverway

30 TAC Chapter 37, Subchapter W – Financial Assurance for Quarries

30 TAC Chapters 39, 60, 205, 281, 305, 307, 309, 311, 319, 321, 331, and 335

C. Letters/Memoranda/Records of Communication:

Memo from the TCEQ's Water Quality Assessment Team dated March, 19, 2018

Memo from TCEQ's from Total Maximum Daily Load Team dated March 19, 2018

D. Permits

TPDES General Permit TXR050000 – Multi-Sector General Permit, effective August 14, 2016.

TPDES General Permit TXR150000 – Construction General Permit, effective March 5, 2018.

TPDES General Permit TXR040000 – Municipal Separate Storm Sewer System General Permit, effective December 13, 2013.

E. Miscellaneous

Texas Surface Water Quality Standards, 30 TAC §§307.1 – 307.10.

Texas Water Code Chapter 26, Subchapter M.

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, RG 194 June 2010.

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Appendix 1

TEXTTOX MENU #1 Intermittent Stream

The water quality-based effluent limitations developed below are calculated using:
 Table 1, 2012 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Procedures to Implement the Texas Surface Water Quality Standards, Appendix D, Texas
 Commission on Environmental Quality, June 2010.

PERMIT INFORMATION

TPDES Permit No: TXG500000
 Permittee Name: NA
 Outfall No: NA
 Prepared By: David James
 Date: February 16, 2018

Discharge Information

Intermittent Receiving Waterbody: Lake Granbury & Brazos River below Possum Kingdom Lake
 Segment Numbers: 1205 and 1206 (using the lowest TSS, pH, Hardness, and Chloride values)

Parameter	Value
TSS (mg/L)	4
pH (Standard Units)	7.8
Hardness (mg/L as CaCO ₃)	230
Chloride (mg/L)	692
Effluent Flow for Aquatic Life (MGD)	NA
Critical Low Flow [7Q2] (cfs):	0
Percent Effluent for Acute Aquatic Life	100

Table 3. CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE)

<i>Stream/ River Metal</i>	<i>Intercept (b)</i>	<i>Slope (m)</i>	<i>Partition Coefficient (Kp)</i>	<i>Dissolved Fraction (Cd/Ct)</i>		<i>Water Effect Ratio (WER)</i>	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	173978.75	0.59		1	Assumed
Cadmium	6.60	-1.13	831136.22	0.23		1	Assumed
Chromium (Total)	6.52	-0.93	912187.69	0.22		1	Assumed
Chromium (+3)	6.52	-0.93	912187.69	0.22		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	375383.87	0.40		1	Assumed
Lead	6.45	-0.80	929719.64	0.21		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	222241.83	0.53		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Silver	6.38	-1.03	575278.59	0.30		1	Assumed
Zinc	6.10	-0.70	477043.53	0.34		1	Assumed

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Table 4. AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS					
Parameter	FW Acute Criterion n (ug/L)	WLAa	LTAa	Daily Avg. (ug/L)	Daily Max. (ug/L)
Aldrin	3	3	1.72	2.53	5.35
Aluminum	991	991	568	835	1766
Arsenic	340	576.6111	330.39816	485.68	1027.54
Cadmium	19.27503	83.35571	47.762824	70.21	148.54
Carbaryl	2	2	1.15	1.68	3.56
Chlordane	2.4	2.4	1.38	2.02	4.28
Chlorpyrifos	0.083	0.083	0.048	0.070	0.148
Chromium (+3)	1127.067	5239.453	3002.2067	4413.24	9336.86
Chromium (+6)	15.7	15.7	9.00	13.2	28.0
Copper	31.12889	77.87002	44.619523	65.59	138.77
Cyanide	45.8	45.8	26.2	38.6	81.6
4,4'-DDT	1.1	1.1	0.630	0.927	1.96
Demeton	N/A	N/A	N/A	N/A	N/A
Diazinon	0.17	0.17	0.097	0.143	0.303
Dicofol	59.3	59.3	34.0	49.9	106
Dieldrin	0.24	0.24	0.138	0.202	0.428
Diuron	210	210	120	177	374
Endosulfan I (alpha)	0.22	0.22	0.126	0.185	0.392
Endosulfan II (beta)	0.22	0.22	0.126	0.185	0.392
Endosulfan sulfate	0.22	0.22	0.126	0.185	0.392
Endrin	0.086	0.086	0.049	0.072	0.153
Guthion	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.52	0.52	0.298	0.438	0.927
Hexachlorocyclohexane (Lindane)	1.126	1.126	0.645	0.948	2.01
Lead	157.8515	744.8822	426.81747	627.42	1327.402
Malathion	N/A	N/A	N/A	N/A	N/A
Mercury	2.4	2.4	1.38	2.02	4.28
Methoxychlor	N/A	N/A	N/A	N/A	N/A
Mirex	N/A	N/A	N/A	N/A	N/A
Nickel	947.2974	1789.414	1025.3341	1507.24	3188.79
Nonylphenol	28	28	16.0	23.6	49.9
Parathion (ethyl)	0.065	0.065	0.037	0.055	0.116
Pentachlorophenol	19.49192	19.49192	11.169	16.418	34.735
Phenanthrene	30	30	17.2	25.3	53.5
Polychlorinated Biphenyls (PCBs)	2	2	1.15	1.68	3.56
Selenium	20	20	11.5	16.8	35.6
Silver (free ion)	0.8	29.40579	16.84952	24.769	52.402
Toxaphene	0.78	0.78	0.447	0.657	1.39
Tributyltin (TBT)	0.13	0.13	0.074	0.110	0.232
2,4,5 Trichlorophenol	136	136	77.9	115	242
Zinc	237.327	690.1883	395.47788	581.35	1229.94